

201 KAR 22:160. Telehealth and telephysical therapy.

RELATES TO: KRS 327.200

STATUTORY AUTHORITY: KRS 327.040(11), (12), 327.200(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the board to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(12) requires the board to promulgate by administrative regulation standards of practice. KRS 327.200(1) requires a treating physical therapist utilizing telehealth to ensure a patient's informed consent and to maintain confidentiality. KRS 327.200(2) requires the board to promulgate administrative regulations necessary to implement telehealth. This administrative regulation establishes procedures necessary to prevent abuse and fraud through the use of telehealth, prevent fee-splitting through the use of telehealth, and utilize telehealth in the provision of physical therapy services and in the provision of continuing education.

Section 1. Patient Identity, Communication, and Informed Consent Requirements. A credential holder using telehealth to deliver physical therapy services or who practices telephysical therapy shall, upon an initial contact with the patient:

- (1) Verify the identity of the patient;
- (2) Obtain alternative means of contacting the patient;
- (3) Provide to the patient alternative means of contacting the credential holder;
- (4) Provide contact methods of alternative communication the credential holder shall use for emergency purposes;
- (5) Not use personal identifying information in non-secure communications; and
- (6) Inform the patient and document acknowledgement of the risk and limitations of:
 - (a) The use of electronic communications in the provision of physical therapy;
 - (b) The potential breach of confidentiality, or inadvertent access, of protected health information using electronic communication in the provision of physical therapy; and
 - (c) The potential disruption of electronic communication in the use of telephysical therapy.

Section 2. Competence, Limits on Practice, Maintenance, and Retention of Records. A credential holder using electronic communication to deliver physical therapy services or who practices telephysical therapy shall:

- (1) Be responsible for determining and documenting that telehealth is appropriate in the provision of physical therapy;
- (2) Limit the practice of telephysical therapy to the area of competence in which proficiency has been gained through education, training, and experience;
- (3) Document which physical therapy services were provided by telephysical therapy;
- (4) Follow the record-keeping requirements of 201 KAR 22:053, Section 5; and
- (5) Ensure that confidential communications obtained and stored electronically shall not be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data.

Section 3. Compliance with State Law. A credential holder practicing telephysical therapy shall be:

- (1) Licensed to practice physical therapy where the patient is physically present or domiciled; or
- (2) Otherwise authorized by law to practice physical therapy in another jurisdiction where the patient is physically present or domiciled. (40 Ky.R. 2227; 41 Ky.R. 32; eff. 8-1-2014.)